

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

19-CR-227-JLS

JOSEPH BONGIOVANNI,  
PETER GERACE, JR.,

Defendants.

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**NOTICE OF MOTION FOR A PROTECTIVE ORDER**

**PLEASE TAKE NOTICE** that, upon an affidavit filed herewith *ex parte*<sup>1</sup> and under seal, the undersigned moves the Court for a Protective Order with respect to the disclosure of material pursuant to 18 U.S.C. § 3500 (“3500 material” or “*Jencks* material”) and the government’s pre-trial submissions, which will be provided to counsel for the defendants

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<sup>1</sup> Rule 16(d)(1) provides:

At any time, the court may, for good cause shown, deny, restrict, or defer discovery or inspection, or grant other appropriate relief. The court may permit a party to show good cause by a written statement that the court will inspect *ex parte*. If relief is granted, the court must preserve the entire text of the party's statement under seal.

*See also, Bowman Dairy Co. v. United States*, 341 U.S. 214, 215, (1951); *United States v. Ciambrone*, 601 F.2d 616, 626 (2d Cir.1979); *United States v. Tucker*, 380 F.2d 206, 213 (2d Cir.1967). *See also United States v. Nava-Salazar*, 30 F.3d 788 (7th Cir. 1994); *United States v. Smith*, 985 F.Supp.2d 506 (S.D.N.Y. 2013); *United States v. Castricone*, 2021 WL 84105 (W.D.N.Y. 2021); and, Title 18, United States Code, Section 3500.

proceeding to trial, for permission to file certain pre-trial submissions under seal, and for return of 3500 material at the conclusion of the trial scheduled for June 21, 2023.

DATED: Buffalo, New York, December 21, 2022.

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